IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Con.Case(C).No. 141 of 2007(S)

ARISING FROM THE JUDGEMENT IN WA.1884/2006 Dated 14/11/2006

PETITIONERS/RESPONDENTS 2 AND 3 IN WA:
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1. SUSMITHA P.MALLAYA, AGED 30 YEARS,
D/O.N.PURUSHOTHAMA MALLAYA, FULL TIME RESEARCH SCHOLAR, SCHOOL OF LEGAL STUDIES,COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, PERMANENTLY RESIDING AT CC.6/2061, PALACE ROAD, MATTANCHERRY,COCHIN-682002

2. BINUMOL K., AGED 32 YEARS,
D/O.K.KUNJAPPAN, PART TIME RESEARCH SCHOLAR, SCHOOL OF LEGAL STUDIES, COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, PERMANENTLY RESIDING AT SINDHU BHAVAN, B.M.C. P.O., COCHIN-682 021.

BY ADV. SRI.P.T.DINESH

RESPONDENT: APPELLANT IN WA:

P SIVAJADAS,SECRETARY,
KERALA PUBLIC SERVICE COMMISSION, PATTOM PALACE PO THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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CONTEMPT CASE (C)No. 141 OF 2007

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Dated this the 21st June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

In order to take cognizance of the contempt petition filed, the parties, who have approached this court, should sufficiently prove that there was contumacious conduct on the part of the respondents. In the alternative, they should prove that there is wilful and deliberate disobedience of the orders and directions issued by this court .

2. This Court, while passing interim orders has directed the respondent herein-the Kerala Public Service Commission to interview the petitioners and others also for the advertised post. The court has not issued any further directions in the matter.

3. Alleging that the respondent, firstly, had not conducted the interview as directed by this court and secondly had published the rank list of candidates to the post of Lecturer in Law, who had participated in the selection process, the complainants are before us in this Contempt case.

4. The respondent has filed an affidavit. In that affidavit, it is stated that on 24.03.2007, they have interviewed the petitioners and others. That only means that the respondent has complied with the orders

and directions issued by this court. In so far as the publication of the rank list to the advertised post, in our opinion, since there was no prohibition by this court, prohibiting the respondent from publishing the rank list , it cannot be said that the respondent has committed an act of contempt and thereby to initiate proceedings against the respondent under the provisions of the Contempt of Courts Act. Even otherwise also, the respondent, being aggrieved by the interim orders issued by this court, has already filed a Special Leave Petition before the Apex Court and the same is pending for consideration. That apart, the rank list published by the respondent has been stayed by this court.

In view of all these, in our opinion, the cognizance of this Contempt Case need not be taken up. Accordingly, the Contempt case requires to be rejected and it is rejected. It is made clear that any of the observations made by us, is only for the disposal of this Contempt case.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

lk/DK